

PTO/SB/17 (11-04)  
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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1,478.00

## Complete if Known

Application Number 10/709,329-Conf. #3328  
Filing Date April 28, 2004  
First Named Inventor Earl Rotman  
Examiner Name N. B. Nguyen  
Art Unit 3628  
Attorney Docket No. 20107/1200838-US1

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order  
☒ Deposit Account ☐ None  
Deposit Account Number 04-0100  
Deposit Account Name Darby & Darby P.C.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below  
☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or any underpayment of fee(s) under 37 CFR 1.16 and 1.17  
☒ Credit any overpayments

To the above-identified deposit account.

☐ Other (please identify):

## FEE CALCULATION (continued)

### 2. EXTRA CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20	18	9
Each independent claim over 3	88	44
Multiple dependent claims	300	150
For Reissues, each claim over 20 and more than in the original patent	18	9
For Reissues, each independent claim more than in the original patent	88	44

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
74	- 20 or HP = 43	x 18.00 =	774.00
HP= highest number of total claims paid for, if greater than 20			

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
15	- 3 or HP = 8	x 88.00 =	704.00

HP= highest number of independent claims paid for, if greater than 3

Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
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Subtotal (2) \$ 1,478.00

## FEE CALCULATION

### 1. BASIC FILING FEE

Fee Description	Fee (\$)	Small Entity Fee (\$)	Fee Paid (\$)
Utility Filing Fee	790	395	
Design Filing Fee	350	175	
Plant Filing Fee	550	275	
Reissue Filing Fee	790	395	
Provisional Filing Fee	160	80	
Subtotal (1) \$			0.00

### 3. OTHER FEES

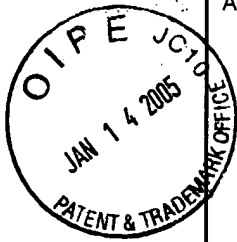
Fee Description	Fee (\$)	Small Entity Fee (\$)	Fee Paid
1-month extension of time	110	55	
2-month extension of time	430	215	
3-month extension of time	980	490	
4-month extension of time	1,530	765	
5-month extension of time	2,080	1,040	
Information disclosure stmt. Fee	180	180	
37 CFR 1.17(q) processing fee	50	50	
Non-English specification	130	130	
Notice of Appeal	340	170	
Filing a brief in support of appeal	340	170	
Request for oral hearing	300	150	

Other:

Subtotal (3) \$ 0.00

## SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	47,698	Telephone	(212) 527-7700
Name (Print/Type)	Richard J. Katz	Date	December 3, 2004		



Application No. (if known): 10/709,329

Attorney Docket No.: 20107/1200838-US1

## Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. \_\_\_\_\_ in an envelope addressed to:

**CV382055182 - US**

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on January 14, 2005  
Date

Signature

Typed or printed name of person signing Certificate

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Part 2 Copy of Notice  
Response to Notice to File Missing Parts of Application (4 pages),  
including Exhibits A-F (55 pages)  
Return receipt postcard

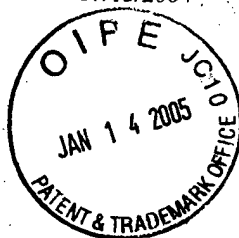


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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/709,329	07/15/2004	Earl Rotman	20107/1200838-US1

07278  
DARBY & DARBY P.C.  
P. O. BOX 5257  
NEW YORK, NY 10150-5257



CONFIRMATION NO. 3328

FORMALITIES LETTER



\*OC000000014732380\*

Date Mailed: 12/13/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- Additional claim fees of \$3750 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$3750 for a Large Entity

- Total additional claim fee(s) for this application is \$3750

- \$1600 for 12 independent claims over 3.
- \$2150 for 54 total claims over 20.

01/25/2005 NNGUYEN1 00000002 040100 10709329

01 FC:1201 1600.00 DA  
02 FC:1202 2150.00 DA

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice MUST be returned with the reply.*

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T.C.W.

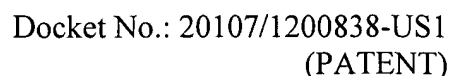
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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In re application of: Earl ROTMAN et al.

Confirmation No. 3328

Serial No.: 10/709,329

Group Art Unit: 3628

Filed: April 28, 2004

Examiner: Nga B. Nguyen

For: **SYSTEM AND METHOD FOR CREATING TRADEABLE FINANCIAL UNITS****RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Parts of Application – Filing Date Granted mailed December 13, 2004, and as demonstrated by the following remarks, which are accompanied by **Exhibits A-F** (attached), Applicants respectfully submit that there are no additional claim fees due for the above-identified application in contrast to what is indicated on the face of the Notice. The Part 2 Copy of the Notice is enclosed.

The present application was filed electronically on April 28, 2004 using software authorized by the U.S. Patent and Trademark Office (USPTO). An Acknowledgement Receipt bearing the timestamp “2004-04-28 17:46:01 EDT” was received electronically from the USPTO, a photocopy of which is attached in **Exhibit A**. A photocopy of the present application (including written disclosure, drawings, and thirty-one claims where seven are independent), as filed on April 28th, is attached in **Exhibit B**.

As required by USPTO practice for electronic filings, the April 28th filing was accompanied by a Fee Transmittal and authorization to charge Account No. 04-0100 in the name of Darby & Darby PC. Under the fee schedule in effect on April 28, 2004, the following fees were chargeable at filing: a utility application filing fee (\$770), a request for early publication fee (\$130), a publication fee (\$300), an Assignment recordation fee (\$40), and an excess claims fee (\$542). The following is a calculation of the excess claims fee:

Total claims:  $31 - 20 = 11$  x  $\$18 = \$198$   
Independent claims:  $7 - 3 = 4$  x  $\$86 = \underline{\$344}$   
Total:  $\$542$

Thus, the entire amount of fees due for the April 28th utility application filing was \$1,782.

Monthly Statements of Deposit Account for Account No. 04-100, dated April 30, 2004 and May 28, 2004 are attached in **Exhibit C**. These Monthly Statements are redacted to remove information unrelated to the present application. The April 30th Monthly Statement indicates charges for Serial No. 10/709,329 in the amount of \$1,652 (control numbers 34-38 on April 29, 2004). The May 28th Monthly Statement indicates a charge of \$130 (control number 108 on May 4, 2004). Thus, total charges made by the USPTO to the deposit account for Serial No. 10/709,329 total \$1,782. Therefore, Applicants submit that no additional claim fees are due for the April 28th filing of the present application.

On July 15, 2004, Applicants filed a Submission of Replacement Drawings (**Exhibit D**) for Figures 1-8. An OIPE-stamped Certificate of Hand Delivery for this Submission is included in Exhibit D. This submission was made because, although drawing sheets *were included* as part of the April 28, 2004 electronic filing, upon review of the USPTO image file wrapper Applicants did not see copies of the drawing sheets. The present Notice to File Missing Parts indicates a filing date of July 15, 2004. Applicants submit that the Notice, should any even have been necessary, properly should have been based on the April 28th electronic filing of the present application. A Petition for Filing Date to correct the date was filed by Applicants on December 23, 2004.

Because the application was made special, and is participating in a Pilot Program, a first Office Action on the merits was mailed September 8, 2004 (**Exhibit E**). The Office Action Summary page indicates that the Action is responsive to the communication filed April 28, 2004, and that claims 1-31 are pending in the application. An Amendment in response to the September 8th Office Action was submitted by facsimile on December 3, 2004. A USPTO Auto-Reply Facsimile Transmission confirming receipt of the facsimile transmission, a Certificate of Transmission, an internal fax transmission receipt, an Amendment Transmittal Letter, and a Fee Transmittal are attached in **Exhibit F**.

The December 3rd Amendment added a total of forty-three claims (claims 32-74), where eight are independent. Because the Amendment was filed via facsimile, authorization was given on both the Amendment Transmittal Letter and the Fee Transmittal to charge the deposit account. Therefore, Applicants submit that the extra claim fees for the Amendment are properly paid as of the Amendment filing on December 3, 2004. The Amendment was received, as evinced by the Auto-Reply received from the USPTO on December 3, 2004 (*see* Exhibit F).

After the Amendment, there are seventy-four claims pending in the application, where fifteen are independent. The Notice to File Missing Parts requires payment of claim fees for all the pending claims in the application (i.e., twelve independent claims over three, and fifty-four total claims over twenty), where, as demonstrated above, all the fees due in this application were properly paid concurrent with the April 28, 2004 filing of the application, and concurrent with the December 3, 2004 filing of the Amendment.

Further, the above discussion demonstrates that the claim fees associated with the response to the September 8th Office Action have been authorized to be charged and, thus, are deemed to have been paid at that time under the then pending fee schedule. Importantly, these particular claim fees are of no consequence to the present Notice.

Dated: January 14, 2005

Respectfully submitted,

By 

Richard J. Katz

Registration No.: 47,698

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